

REMARKS

In the outstanding Office Action, restriction was required to one of the following groups of claims under 35 U.S.C. §121:

- I. Claims 1-28, 50-70 and 78, drawn to a film, classified in class 428, subclass 35.7.
- II. Claims 29-41 and 75-77, drawn to blister packaging, classified in class 206, subclass 528.
- III. Claims 42-49, 71-74 and 79, drawn to a method of making a film, classified in class 264, subclass 464.

Applicants hereby elect Group I, Claims 1-28, 50-70 and 78 which encompass the elected invention. This election is made with traverse and rejoinder of all claims is requested pursuant to MPEP §821.04 inasmuch as the invention as claimed in the various claims overlap each other and have a similar composition as well as common modes of operation and effect; accordingly, restriction is improper because criteria for distinctness are not met. See MPEP §806.05(j):

...For other related product inventions, or related process inventions, the inventions are distinct if

(A) the inventions *as claimed* do not overlap in scope, i.e., are mutually exclusive;

(B) the inventions *as claimed* are not obvious variants; and

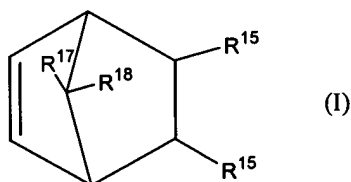
(C) the inventions *as claimed* are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 802.01.

The burden is on the examiner to provide an example to support the determination that the inventions are distinct....

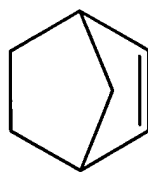
Indeed, all of the independent claims are readable on a single product and method of producing it; for example, the film claims overlap the blister packaging claims which recite a blister package including a film with a first layer comprising styrene

butadiene copolymer; a second layer comprising a cyclic olefin and disposed on said first layer; and a third layer comprising styrene butadiene copolymer and disposed on said second layer as an outermost layer of said film, wherein said first layer and third layers are substantially free of cyclic olefin and said second layer is substantially free of styrene butadiene copolymer.

With respect to Group I, election of cycloolefin species was also required to one of the structures recited in Claims 12 or 52 or norbornene. Applicants hereby elect the structure I of Claim 52:



wherein R^{15} , R^{17} , and R^{18} are the same or different and are H, a C_6 - C_{20} -aryl or C_1 - C_{20} -alkyl radical or a halogen atom. A particularly preferred species is:



norbornene

This election of species is also made with traverse. Applicants are entitled to at least a reasonable number of related disclosed species and all of the recited cycloolefin containing polymers are contemplated within the scope of the invention. Upon allowance of a generic claim, all species should be rejoined.

All claims of Group I encompass elected species. The following claims of Group I are generic to the elected species: 1-10, 12-17, 21-28, 50-53, 55, 59-70 and 78.

The following claims of Group I are readable on elected species: 11, 18- 20, 54 and 56-58.

The foregoing elections have been made pursuant to the restriction and election requirements of the *Official Action* of November 23, 2010, with traverse.

If for any reason the Examiner would like to discuss this case, the Examiner is invited to call at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael W. Ferrell". The signature is stylized with a large, looped "M" and a cursive "W".

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